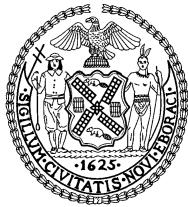


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DOC #: _____
DATE FILED: <u>5/13/2024</u>



**THE CITY OF NEW YORK
LAW DEPARTMENT**

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May 10, 2024

BY ECF

Honorable Margaret M. Garnett
United States District Court Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Rhodes v. City of New York, et al., 22-CV-7884 (MMG)

Your Honor:

I am a Senior Counsel in the Special Federal Litigation Division of the New York City Law Department, and the attorney assigned to the defense of the above-referenced matter on behalf of defendants. In that capacity, I write to respectfully request that the Court adjourn defendants' deadline to file any motion for summary judgment from today until June 7, 2024. The reason for this request is that since the April 16, 2024 pre-motion conference, the parties have revisited the prospect of settlement and we are optimistic that we will be able to reach a resolution shortly. Specifically, this case had been marked no-pay by defendants since early on in the litigation. On May 6, 2024, the undersigned spoke with plaintiff's counsel about whether plaintiff was interested in settlement at this juncture, and if so, what such a settlement would look like. Plaintiff's counsel responded with a reasonable proposal for defendants to consider. Since then, defendants have re-considered their no pay position and the undersigned is in the process of obtaining the requisite authority to resolve this matter from the Comptroller. While the Comptroller still must independently sign off on the settlement proposal in question, I am optimistic that will ultimately happen.

The requested adjournment, if granted, should permit sufficient time for the undersigned to either obtain the requisite authority to resolve this matter, or, in the unlikely event that does not occur, file defendants' motion for summary judgment on or before June 7, 2024, such that the parties would still be on track to try this matter as currently scheduled in the event any

claim survived summary judgment briefing.¹ Plaintiff's counsel consents to this approach. Should the Court accept this approach, the parties request that we be permitted to jointly propose a reasonable schedule for any opposition and reply on June 7, 2024, in the event that is necessary.

Thank you for your consideration herein.

Respectfully submitted,

/s/

Brian Francolla
Senior Counsel
Special Federal Litigation Division

cc: All Counsel (By ECF)

Request GRANTED. The deadline for any motion for summary judgment is extended to **June 7, 2024**. In the event the parties are not able to settle the matter, they shall also jointly propose a briefing schedule for any such motion for summary judgment by **June 7, 2024**. The Clerk of Court is directed to terminate Dkt. No. 60.

SO ORDERED. Date 5/13/2024


HON. MARGARET M. GARNETT
U.S. DISTRICT JUDGE

¹ My availability in the short term is also quite limited since I am currently supervising a trial in the matter of Anthony Paul, et al. v. City of New York, et al., 16-CV-01952 (VSB) (SN), before the Honorable Vernon S. Broderick, United States District Judge for the Southern District of New York, that began on May 7, 2024, and is projected to last until approximately May 31, 2024.